

Notice of Allowability

Application No.

10/098,631

Examiner

Davienne Monbleau

Applicant(s)

MARUTANI ET AL.

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 11/16/04.
2. ☒ The allowed claim(s) is/are 1,2 and 12-19.
3. ☒ The drawings filed on 18 March 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S COMMENT AND STATEMENT OF REASONS FOR ALLOWANCE

Response to Amendment

The amendment filed on 11/16/04 has been entered. Claims 1 and 14 have been amended. New claims 16-19 have been added. Claims 1, 2, and 12-19 are pending.

Applicant's arguments filed 11/16/04 have been fully considered and found persuasive. In particular, the Applicant argues on page 5 that the cited prior of record (*Goto* and *Kobayashi*) does not teach a point emission type light emitting element comprising a stripe ridge semiconductor structure covered with a shading film as claimed. Although *Goto* teaches the claimed stripe ridge structure with protruding portion, there is no other teaching to modify the device to include a shading region. *Kobayashi* teaches an insulation layer comprising SiO₂ covering a stripe ridge semiconductor structure. However, the insulation layer does not provide the same function as a shading film. Furthermore, there is no motivation to change the material of insulation layer to one required in the claimed invention, such as the material used in *Kinoshita* for an electrical contact layer, because it would change the function of the insulation layer in *Kobayashi*.

Allowable Subject Matter

Claims 1, 2, and 12-19 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding Claims 1, 2, 12, 13, and 15, the cited prior art of record does not teach or fairly suggest a point type light emitting element comprising, along with the other claimed features, a shading film covering the surface of the light emitting element, except for the tip of a protruding

Art Unit: 2878

portion, wherein the shading film comprises a material selected from the group consisting of Cr/Ni, Cr, Ti/Pt, Ti, Ni, Al, Ag and Au.

Regarding Claims 14, and 16-19, the cited prior art of record does not teach or fairly suggest a point type light emitting element comprising, along with the other claimed features, a shading film covering the surface of the light emitting element, except for the tip of a protruding portion, wherein the shading film comprises TiO_2 .

The advantages of these features are in the specification on pages 1-8. In particular, the Applicant states on page 3 that the features provide a point emission type light emitting element that restricts the light emitting area within a sufficiently tiny region and can be manufactured at a low cost. It also provides a single spot light of good near-field pattern with high efficiency of light emission.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davienne Monbleau whose telephone number is 571-272-1945. The examiner can normally be reached on Mon-Fri 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2878

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Darienne Monbleau

DNM



DAVID PORTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800